

Exhibit D

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**IN RE: NATIONAL PRESCRIPTION
OPIATE LITIGATION**

This document relates to:

*Southwest Mississippi Regional Medical
Center, et al. v. AmerisourceBergen Drug
Corp., et al., Case No. 1:17-op-45175, and all
Hospital Cases.*

MDL 2804

Case No. 17-md-2804

Hon. Dan Aaron Polster

**[PROPOSED] ORDER APPOINTING INTERIM CLASS
COUNSEL FOR HOSPITAL CLASS**

WHEREAS, Plaintiffs named in the above-captioned constituent case (“Plaintiffs” or “Hospital Plaintiffs”) have moved to appoint John W. (“Don”) Barrett as Interim Class Counsel for a putative national class of hospitals (the “Hospital Class”) pursuant to Federal Rule of Civil Procedure 23(g)(3);

WHEREAS, appointing an Interim Class Counsel on behalf of the Hospital Class will promote judicial efficiency, aid in furthering the litigation, avoid duplication, prevent conflicts of interest among those representing hospitals in this litigation, and further fair settlement negotiations that do not discount claims of hospitals;

WHEREAS, this Court has established “settlement negotiating teams” (*see* MDL Dkt. Nos. 118, 124, 186, 187, and 228) but has not yet identified a representative solely of Hospital Plaintiffs on these teams;

WHEREAS, this Court has recognized that hospitals had and have claims separate from other Plaintiffs and appointed John W. (“Don”) Barrett as hospitals’ representative to the Plaintiffs’ Executive Counsel (“PEC”);

WHEREAS, Mr. Barrett has already spent years working in furtherance of hospitals' claims, including (1) work identifying or investigating potential hospital claims; (2) experience with claims of the type asserted in the action; (3) knowledge of the applicable law; and (4) the resources that counsel has and will continue to commit to representing the class. *See* Fed. R. Civ. P. 23(g)(1)(A)(i-iv) & (B); *see also* Manual § 21.271 (2012).

WHEREAS, as laid out in the Hospital Plaintiffs' Renewed Motion to Appoint Interim Class Counsel and related documents, Mr. Barrett is well-qualified to serve as Interim Class Counsel and would be best able to represent the interests of the Hospital Class in the National Prescription Opiate Litigation.

ACCORDINGLY, IT IS HEREBY ORDERED THAT:

1. Pursuant to Federal Rule of Civil Procedure 23(g)(3), the court appoints the following as Interim Class Counsel for hospitals in cases pending before this court as part of MDL 2804, *In re: National Prescription Opiate Litigation*:

John W. ("Don") Barrett
BARRETT LAW GROUP, P.A.
404 Court Square N
P.O. Box 927
Lexington, Mississippi 39095
(662) 834-2488
dbarrett@barrettlawgroup.com

2. Interim Class Counsel shall have sole authority to carry out the following duties on behalf of the putative Hospital Class:

- a. Determine and present to the Court and opposing parties the position of the Hospital Class on litigation, pretrial, and settlement matters;
- b. Conduct settlement negotiations on behalf of the Hospital Class, but not to enter into binding agreements except to the extent authorized by law;
- c. Delegate specific tasks to other counsel in a manner to ensure that pretrial preparation is conducted efficiently and effectively;

- d. Enter into stipulations with opposing counsel as necessary;
 - e. Prepare and distribute periodic status reports to the parties;
 - f. Perform such other duties in connection with settlement negotiations as may be incidental to settlement negotiating, drafting, finalizing, or submitting settlements to the court; and
 - g. Perform such other pretrial duties as may be incidental to the proper coordination of pretrial activities or as authorized by further order of the Court.
3. Nothing herein shall preclude representatives of individual members of the Hospital Class from acting on behalf of those class members whom they represent, including negotiation of individual settlements.

IT IS SO ORDERD.

/s/ Dan Aaron Polster
DAN AARON POLSTER
UNITED STATES DISTRICT JUDGE